

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 18, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID LEE ROY KING,

Plaintiff,

v.

STATE OF LOUISIANA,
LOUISIANA DEPARTMENT OF
LICENSING, IBERVILLE PARISH,
STATE OF WASHINGTON, and
WASHINGTON DEPARTMENT OF
LICENSING,

Defendants.

No. 1:24-CV-3180-MKD

ORDER DENYING RULE 60(b)(3)
MOTION TO SET ASIDE
JUDGMENT

ECF No. 28

Before the Court is Plaintiff's Rule 60(b)(3) Motion to Set Aside Judgment.
ECF No. 28. The Court has reviewed the record, is fully informed, and finds oral
argument unnecessary to resolve the motion. For the reasons set forth below, the
Court denies the motion.

LEGAL STANDARD

Fed. R. Civ. P. 60(b) “is to be utilized only where extraordinary circumstances prevented a party from taking timely action to prevent or correct an erroneous judgment.” *United States v. State of Wash.*, 98 F.3d 1159, 1163 (9th Cir. 1996) (citation and quotations omitted). As relevant here, Fed. R. Civ. P. 60(b)(3) allows for relief from a final judgment based on fraud, misrepresentation, or misconduct.

DISCUSSION

Plaintiff moves under Fed. R. Civ. P. 60(b)(3) to aside the judgment based on “fraud and misrepresentations, by counsel’s omissions, to fully inform this court regarding qualified immunity and mischaracterizations of the applicability of Title 28 USC § 1983 and 1985.” ECF No. 28 at 1-2 (as written in original). Having reviewed the prior pleadings in this matter, the Court cannot conclude the Washington Defendants’ counsel engaged in any “fraud or misrepresentations” or otherwise mischaracterized blackletter law. The Court thus declines to set aside the judgment. *See Straw v. Bowen*, 866 F.2d 1167, 1172 (9th Cir. 1989) (noting a movant’s burden of “show[ing] that the district court committed a specific error”) (citing *Thompson v. Housing Authority of the City of Los Angeles*, 782 F.2d 829, 832 (9th Cir. 1986)).

1 **CONCLUSION**

2 For the reasons explained above, the Court denies Plaintiff's Rule 60(b)(3)
3 Motion to Set Aside Judgment.

4 Accordingly, **IT IS HEREBY ORDERED:**

- 5 1. Plaintiff's Rule 60(b)(3) Motion to Set Aside Judgment, **ECF No. 28**,
6 is **DENIED**.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order and provide a copy to the parties.

9 DATED March 18, 2025.

10 s/Mary K. Dimke
11 MARY K. DIMKE
12 UNITED STATES DISTRICT JUDGE
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